

ATTACHMENT C

REMARKS

By this amendment, Applicants have amended the claims in an effort to expedite an allowance in this matter and overcome any remaining objections. In particular, the Applicants have now amended the subject matter to be directed to Claim 30, which was only objected to on the grounds of a lack of deposit, and to Claims 25, 26, 31 and 32 which were not rejected by the Examiner. All other claims have been canceled without prejudice. Accordingly, for reasons as stated below, Applicants submit that upon entry of the present amendment, the present application will be placed in condition for immediate allowance.

In the Final Rejection, the Examiner made objections to the specification with regard to the use of trademarks QIAGEN™, SIGMA™, and SEPHAROSE™. Although these terms were not found on the pages indicated by the Examiner (pages 9, 10, and 28), Applicants have reviewed the specification and have now located these terms and have amended them in the manner suggested by the Examiner. Accordingly, the objection to the specification is overcome.

In the Final Rejection, the Examiner made various rejections to the claims, and while the Applicants contest the basis for these rejections, they have become moot by the cancellation of all claims other than Claims 25, 26 and 30-32. In particular, Claims 25, 26, 31 and 32 were not rejected by the Examiner and were thus deemed allowable. With regard to Claim 30, the sole rejection of this claim was on the basis that a deposit was necessary for the monoclonal antibody recited in that claim.

Without addressing the Examiner's position as stated in the rejection, this rejection has been overcome in that Applicants have now deposited the hybridoma cell line for monoclonal H07, and the specification and claims have been amended accordingly to refer to the Accession Number and the Depository. In addition, a Statement regarding the Patent Deposit is also submitted herewith. Accordingly, the Examiner's prior rejection of Claim 30 should be withdrawn as moot.

In light of the fact that the present amendments will leave only allowable claims and will place the application in condition for immediate allowance, entry of the amendment is appropriate. Accordingly, Applicants request entry of the amendment and allowance of the application as amended.

END OF REMARKS



**STATEMENT REGARDING
PATENT DEPOSIT**

Application #	09/982,992
Confirmation #	7767
Filing Date	22 October 2001
First Inventor	PATTI et al.
Art Unit	1645
Examiner	Hines, Jana A
Docket #	P06922US02/BAS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

S I R:

In conjunction with the above-identified application, Applicants state that a deposit for the hybridoma cell line for the monoclonal antibody designated as H07 as disclosed and claimed in the present application has been made in accordance with the Budapest Treaty at the American Type Culture Collection (ATCC), 10801 University Boulevard, Manassas, Virginia, an acceptable International Depository Authority, effective May 3, 2007. As indicated on the attached Receipt form from the ATCC, monoclonal H07 was given accession number PTA-8327. In addition, Applicants state that all restrictions upon public access to the deposit will be irrevocably removed upon the grant of a patent on this application and that the deposit will be replaced if viable samples cannot be dispensed by the depository.

Applicants have made the necessary amendments to the specification to refer to the deposit in compliance with the regulations concerning deposits.

Respectfully submitted,

Date: August 7, 2007

By: B. Aaron Schulman
Registration No.: 31,877

STITES & HARBISON PLC ♦ 1199 North Fairfax St. ♦ Suite 900 ♦ Alexandria, VA 22314
TEL: 703-739-4900 ♦ FAX: 703-739-9577 ♦ EMAIL: bschulman@stites.com ♦ CUSTOMER NO. 000881

**BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF
THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE**

INTERNATIONAL FORM

**RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3
AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.**



To: (Name and Address of Depositor or Attorney)
Inhibitex, Inc.
ATTN: Jeff Hutchins
9005 Westside Parkway
Alpharetta, GA 30004

RECEIVED

MAY 08 2007

STITES & HARBISON PLLC

Deposited on Behalf of: Inhibitex, Inc.

Identification Reference by Depositor:

Mouse Hybridoma Cell line 1H4
Mouse Hybridoma Cell line 3H3
Mouse Hybridoma Cell line H07

Patent Deposit Designation

PTA-8325
PTA-8326
PTA-8327

The deposits were accompanied by: X a scientific description, a proposed taxonomic description indicated above.

The deposits were received 11 April, 2007 by this International Depository Authority and have been accepted.

AT YOUR REQUEST: X We will inform you of requests for the strains for 30 years.

The strains will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strains, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strains.

If the cultures should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace them with living cultures of the same.

The strains will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the cultures cited above was tested 30 April, 2007. On that date, the cultures were viable.

International Depository Authority: American Type Culture Collection, Manassas, VA 20110-2209 USA.

Signature of person having authority to represent ATCC:

Latha Ramakrishnan, ATCC Patent Depository

Date: 3 May 2007

cc: B. Aaron Schulman

Ref: Docket or Case No. : P07597US02/BAS: P07597US02/BAS: P06922US02/BAS